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TOP SECRET SENSITIVE

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DOS Review Completed.

T O P SENSITIVE 181300Z NOV 72 VIA CAS CHANNELS (BUNKER)

SECTION 1 OF 2

FROM: AMBASSADOR BUNKER SAIGON 0274 FLASH

TO: THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER

REFS: A) WHS 2248; B) SAIGON 0272

1. ON RECEIPT OF REF A, I TELEPHONED FONMIN LAM AND ASKED FOR APPOINTMENT EITHER LATE YESTERDAY OR THIS MORNING TO DISCUSS OUR REPLIES TO POINTS RAISED BY GVN TASK FORCE (REF B). HE REQUESTED ME TO SEND A MEMORANDUM COVERING OUR RESPONSE WHICH THEY COULD STUDY BEFORE DISCUSSIONS WITH US WITH THE UNDERSTANDING WE WOULD MEET TODAY. I INFORMED HIM THAT WE MUST HAVE RESPONSE TO ARRIVE IN WASHINGTON BY OPENING OF BUSINESS NOVEMBER 18.
2. I GOT IN TOUCH WITH LAM AGAIN EVEING OF NOVEMBER 17 TO REQUEST TIME FOR APPOINTMENT, AT WHICH TIME HE INFORMED ME THAT THE TASK FORCE WOULD BE MEETING WITH THE PRESIDENT AND OTHER MEMBERS OF THE NATIONAL SECURITY COUNCIL AT 0800 TODAY. AT 1630 HE SENT WORD THAT HE WOULD SEND ME A MEMORANDUM AT 1830, BUT LATER ASKED ME TO CALL ON HIM, WHICH I DID AT 1900. HE INFORMED ME THEN THAT AT MEETING WITH SECURITY COUNCIL THIS MORNING, AFTER LENGTHY DISCUSSION OF OUR MEMORANDUM (REF A), THE TASK FORCE HAD BEEN INSTRUCTED TO EMBODY CHANGES WHICH THE NATIONAL SECURITY COUNCIL PROPOSED TO BE MADE TO THE TEXT OF THE DRAFT AGREEMENT OF NOVEMBER 14. AS YOU WILL NOTE, THESE ARE VOLUMINOUS AND INTENDED TO GIVE EFFECT TO GVN VIEWS THAT NORTH VIET-NAM IS THE AGGRESSOR; THAT NORTH VIETNAMESE FORCES SHOULD BE WITHDRAWN TO NORTH VIET-NAM; AND TO EMPHASIZE THAT THE NCRC HAS NO GOVERNMENTAL FUNCTIONS.
3. LAM INFORMED ME THAT THIEU WOULD HAVE A LETTER FOR THE PRESIDENT, PROBABLY TOMORROW, IN WHICH HE WILL ASK THE PRESIDENT TO RECEIVE HIS SPECIAL EMISSARY WHO WILL BE EITHER FONMIN LAM OR THIEU'S SPECIAL ASSISTANT FOR FOREIGN AFFAIRS, NGUYEN PHU DUC, TO EXPLAIN MORE THOROUGHLY THE GVN'S VIEWPOINTS.
4. WE HAVE HAD NO OPPORTUNITY TO DISCUSS THE GVN MEMORANDUM WITH EITHER THE TASK FORCE OR THIEU AND I AM FORWARDING IT WITHOUT COMMENT SO THAT YOU WILL HAVE IT AS SOON AS POSSIBLE. IT SEEMS TO ME THAT THE GVN'S POSTURE HAS BECOME INCREASINGLY RIGID AND THAT AFTER ALL THAT HAS BEEN SAID AND WRITTEN BY THE PRESIDENT, YOU, HAIG, AND MYSELF THEY HAVE INJECTED CHANGES WHICH THEY MUST REALIZE HAVE LITTLE OR NO CHANCE OF ACCEPTANCE.
5. IN ADDITION TO THE MEMORANDUM, THEY HAVE SUBMITTED A REVISED DRAFT OF AN "AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM" WHICH I AM FORWARDING IN THE NEXT FOLLOWING MESSAGE

BEGIN TEXT.

ON-FILE NSC RELEASE INSTRUCTIONS APPLY

WHITE HOUSE
SITUATION ROOM

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MEMORANDUM

CHANGES PROPOSED BY THE GOVERNMENT OF THE REPUBLIC OF VIETNAM IN THE DRAFT AGREEMENT REVISED BY THE GOVERNMENT OF THE UNITED STATES ON NOVEMBER 14, 72

FOR REASONS OF CLARITY, THE CHANGES OUTLINE AS FOLLOWS WILL REFER TO THE SPECIFIC CLAUSES IN THE REVISED DRAFT AGREEMENT GIVEN BY AMBASSADOR BUNKER ON NOVEMBER 15, 1972.

1 - PREAMBLE, PAGE 1. - IN THE SECOND PARAGRAPH, AFTER "RIGHT TO SELF-DETERMINATION" ADD "IN ACCORDANCE WITH THE 1954 GENEVA AGREEMENT ON VIET-NAM".

2. - CHAPTER I, ARTICLE 1, PAGE 2. - THIS ARTICLE IS INCORPORATED IN CHAPTER IV. THUS, IN THE GVN'S PROPOSED DRAFT THIS CHAPTER 1, ARTICLE 1 WILL BECOME CHAPTER III, ARTICLE 3. THEREFORE, THE NUMBERS OF ALL THE CHAPTERS AND ARTICLES IN THE USG'S REVISED DRAFT UP TO CHAPTER IV, ARTICLE 9 WILL BE CHANGED IN THE GVN'S PROPOSED DRAFT.

NEW ARTICLE 3 IN THE GVN'S PROPOSED DRAFT WILL ALSO READ AS FOLLOWS: "THE INDEPENDENCE, SOVEREIGNTY, UNITY, AND TERRITORIAL INTEGRITY OF VIET-NAM AS RECOGNIZED BY THE 1954 GENEVA AGREEMENT ON VIET-NAM MUST BE RESPECTED".

THE REASON FOR THE CHANGE IS TO AVOID GIVING THE IMPRESSION THAT ONLY THE UNITED STATES HAS TO RESPECT THE VIETNAMESE PEOPLE'S RIGHTS, AND TO AVOID LENDING CREDIT TO THE NORTH VIETNAMESE PROPAGANDA THAT THE UNITED STATES HAD BEEN THE SOLE AGGRESSOR IN VIET-NAM AND THUS, NOW HAS TO RESPECT THE VIETNAMESE PEOPLE'S RIGHTS.

3 - CHAPTER II, ARTICLE 2, PAGE 3 (CHAPTER I, ARTICLE 1 IN THE GVN'S PROPOSED DRAFT). - IN THE LAST SENTENCE, BEFORE "DURABLE" DELETE "UNCONDITIONAL".

THE GVN BELIEVES THAT THE INTRODUCTION OF THE WORD "UNCONDITIONAL" IN THIS ARTICLE WOULD PUT MORE RESTRICTIONS ON THE US SIDE, AND WOULD DEPRIVE THE US OF ANY LEGAL GROUND FOR EVENTUAL RETALIATORY ACTIONS IN CASE OF VIOLATION OF THE AGREEMENT.

4 - CHAPTER II, ARTICLE 3, PAGE 3, 4 (CHAPTER I, ARTICLE 2 IN THE GVN'S PROPOSED DRAFT). - SECTION (A) : REPLACE "THOSE OF THE OTHER FOREIGN COUNTRIES ALLIED WITH THE UNITED STATES AND WITH THE REPUBLIC OF VIET-NAM" BY "ALL OTHER NON-SOUTH VIETNAMESE FORCES".

SINCE NORTH VIETNAMESE TROOPS ARE AGGRESSORS, THEY SHOULD ABIDE BY THE SAME PROVISIONS BINDING THE US AND ALLIED FORCES.

- SECTION (B) - AFTER "ARTICLE 12", REPLACE "SHALL DETERMINE THE AREAS CONTROLLED BY EACH PARTY AND THE MODALITIES OF STATIONING" BY "SHALL DETERMINE THE AREAS AND MODALITIES OF STATIONING OF EACH PARTY'S FORCES TO FACILITATE THE CONTROL OF THE CEASE-FIRE".

5 - CHAPTER II, ARTICLE 4, PAGE 4 (CHAPTER I, ARTICLE 3 IN THE GVN'S PROPOSED DRAFT). - AFTER "THE UNITED STATES" ADD "AND THE DEMOCRATIC REPUBLIC OF VIET-NAM", AND REPLACE "ITS" BY "THEIR".

THIS CHANGE IS TO MAKE EXPLICIT THAT NORTH VIET-NAM DOES NOT HAVE THE RIGHT TO INTERFERE IN THE INTERNAL AFFAIRS OF SOUTH VIET-NAM.

6 - CHAPTER II, ARTICLE 5, PAGE 4 AND 5 (CHAPTER I, ARTICLE 4 IN THE GVN'S PROPOSED DRAFT). IN THE FIRST SENTENCE, AFTER "OF THE UNITED STATES" REPLACE "AND THOSE OF THE OTHER FOREIGN COUNTRIES ALLIED WITH THE UNITED STATES AND WITH THE REPUBLIC OF VIET-NAM" BY "AND THOSE OF THE OTHER NON-SOUTH VIETNAMESE PARTIES". IN THE SECOND SENTENCE, REPLACE "COUNTRIES" BY "PARTIES".

THIS CHANGE IS TO BE CONSISTENT WITH CHANGE NO. 4 IN THIS MEMORANDUM, AND SERVES TO UNDERLINE THE GVN'S BASIC PRINCIPLE THAT NORTH VIET-NAM IS THE AGGRESSOR, AND THEREFORE HAS NO RIGHT TO LEAVE ITS TROOPS HERE IN SOUTH VIET-NAM.

7 - CHAPTER II, ARTICLE 6, PAGE 5 (CHAPTER I, ARTICLE 5 IN THE GVN'S PROPOSED DRAFT). AFTER "OF THE UNITED STATES", REPLACE STATES AND WITH THE REPUBLIC OF VIET-NAM" BY "AND THOSE OF THE OTHER NON-SOUTH VIETNAMESE PARTIES IN SOUTH VIET-NAM".

A THIS IS TO BE CONSISTENT WITH THE PRECEDING CHANGE.

8 - CHAPTER II, ARTICLE 7, PAGE 5 (CHAPTER I, ARTICLE 6 IN THE GVN'S PROPOSED DRAFT). THE FIRST SENTENCE IS CHANGED AS FOLLOWS: "FROM THE ENFORCEMENT OF THE CEASE-FIRE TO THE COMPLETION OF THE POLITICAL PROCESS PROVIDED FOR IN ARTICLE 9(B) AND 9(J) OF THIS AGREEMENT, THE TWO SOUTH VIETNAMESE PARTIES SHALL NOT ACCEPT ETC...". THE SECOND SENTENCE IS CHANGED AS FOLLOWS: "THEY SHALL, HOWEVER, BE PERMITTED TO MAKE PERIODIC REPLACEMENTS OF ARMAMENTS, MUNITIONS AND WAR MATERIAL WHICH HAVE BEEN WORN OUT OR DAMAGED AFTER THE CEASE-FIRE ON THE BASIS OF ETC..."

9 - CHAPTER III, ARTICLE 8, PAGE 6, 6A (CHAPTER II, ARTICLE 7 IN THE GVN'S PROPOSED DRAFT) - SECTION (A). THE FIRST SENTENCE READS AS FOLLOWS: "THE RETURN OF ALL MILITARY PERSONNEL AND CIVILIANS OF ALL THE PARTIES WITH THE EXCEPTION OF THOSE SOUTH VIETNAMESE CIVILIANS HELD BY THE TWO SOUTH VIETNAMESE PARTIES SHALL BE CARRIED OUT SIMULTANEOUSLY AND COMPLETED ON THE SAME DAY AS TH TROOP WITHDRAWALS MENTIONED IN ARTICLE 4".

- SECTION (B) DELETE "FOREIGN" IN "FOREIGN CIVILIANS"

- SECTION (C) IS CHANGED AS FOLLOWS: "THE QUESTION OF THE SOUTH VIETNAMESE CIVILIAN PERSONNEL HELD BY THE TWO SOUTH VIETNAMESE PARTIES WILL BE RESOLVED BY THE SOUTH VIETNAMESE PARTIES IN A SPIRIT OF NATIONAL RECONCILIATION AND CONCORD; WITH A VIEW TO ENDING HATRED AND ENMITY; IN ORDER TO EASE SUFFERING AND TO REUNITE FAMILIES. THE TWO SOUTH VIETNAMESE PARTIES WILL DO THIS AS SOON AS POSSIBLE AND DO THEIR UTMOST TO RESOLVE THIS QUESTION AFTER THE CEASE-FIRE COMES INTO EFFECT".

THIS CHANGE IS TO UNDERLINE THAT THE QUESTION OF CIVILIAN PERSONNEL HELD BY THE TWO SOUTH VIETNAMESE PARTIES IS THE SOLE RESPONSIBILITY OF THE TWO SOUTH VIETNAMESE PARTIES, IN TRUE APPLICATION OF THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION.

10 - CHAPTER IV (CHAPTER III IN THE GVN'S PROPOSED DRAFT)

- THE HEADING IS CHANGED AS FOLLOWS "THE VIETNAMESE PEOPLE'S FUNDAMENTAL RIGHTS AND THE EXERCISE OF THE SOUTH VIETNAMESE PEOPLE'S RIGHT TO SELF-DETERMINATION".

THIS CHANGE IS TO BE CONSISTENT WITH CHANGE NO 2.

11 - CHAPTER IV, ARTICLE 9, PAGES 7, 10 (CHAPTER III, ARTICLE 9 IN THE GVN'S PROPOSED DRAFT).

- THE FIRST SENTENCE IS CHANGED AS FOLLOWS: "ALL PARTIES AGREE ON THE FOLLOWING PRINCIPLES ETC..."

- SECTION (B), REPLACE "GENERAL ELECTIONS" BY "NATION-WIDE ELECTIONS".

- SECTION (C), REPLACE "THE TWO SOUTH VIETNAMESE PARTIES" BY "ALL THE VIETNAMESE PARTIES".

- SECTION (D), REPLACE "SAIGON" BY "SOUTH VIET-NAM".

- SECTION (E), IN THE SECOND SENTENCE, REPLACE "PROHIBIT ALL ACTS OF REPRISAL AND DISCRIMINATIONS" BY "PROHIBIT ALL ACTS OF TERRORISM AND VIOLENCE, REPRISAL AND DISCRIMINATION". THE THIRD SENTENCE IS TO BE DELETED.

-SECTION (F) IS CHANGED AS FOLLOWS: "IMMEDIATELY AFTER THE CEASE-FIRE, THE TWO SOUTH VIETNAMESE PARTIES SHALL HOLD CONSULTATIONS IN A SPIRIT OF NATIONAL RECONCILIATION AND CONCORD, MUTUAL RESPECT, AND MUTUAL NON ELIMINATION TO SET UP AN ADMINISTRATIVE ORGAN IN CHARGE OF ELECTIONS, CALLED THE COUNCIL OF NATIONAL RECONCILIATION AND CONCORD REPRESENTING ALL POLITICAL TENDENCIES IN SOUTH VIET NAM AND WHOSE MEMBERS SHALL BE CHOSEN EQUALLY BY THE TWO PARTIES. THE COUNCIL SHALL OPERATE ON THE PRINCIPLE OF UNANIMITY. AFTER THE COUNCIL OF NATIONAL RECONCILIATION AND CONCORD HAS ASSUMED ITS FUNCTIONS, THE TWO SOUTH VIETNAMESE PARTIES WILL CONSULT ABOUT THE DETAILED ORGANIZATION OF THE COUNCIL. THE TWO SOUTH VIETNAMESE PARTIES SHALL SIGN AN AGREEMENT ON THE INTERNAL MATTERS OF SOUTH VIET-NAM AS SOON AS POSSIBLE AND DO THEIR UTMOST TO ACCOMPLISH THIS AFTER THE CEASE-FIRE COMES INTO EFFECT, IN KEEPING WITH THE SOUTH VIETNAMESE PEOPLE'S ASPIRATIONS FOR PEACE, INDEPENDENCE AND DEMOCRACY".

THUS, WE HAVE CHANGED "ADMINISTRATIVE STRUCTURE" INTO "ADMINISTRATIVE ORGAN IN CHARGE OF ELECTIONS". WE HAVE ALSO DELETED THE WORD "NATIONAL" BEFORE COUNCIL, AND WE HAVE DELETED "WITH THREE EQUAL COMPONENTS" AS WELL.

THE GVN DOES NOT THINK IT IS NECESSARY TO ADD THE SENTENCE "UNTIL THE COMPLETION..." AT THE END OF THIS SECTION. THEREFORE, IT IS TO BE DELETED.

- SECTION (G) IS CHANGED AS FOLLOWS: "THE COUNCIL OF NATIONAL RECONCILIATION AND CONCORD SHALL HAVE THE TASK OF ORGANIZING THE FREE AND DEMOCRATIC NATION-WIDE ELECTIONS PROVIDED FOR IN ARTICLE 9 (B) AND DECIDE THE PROCEDURES AND MODALITIES OF THESE ELECTIONS. THE INSTITUTIONS FOR WHICH THE NATION-WIDE ELECTIONS ARE TO BE HELD WILL BE AGREED UPON THROUGH CONSULTATIONS BETWEEN THE TWO SOUTH VIETNAMESE PARTIES.

THE COUNCIL OF NATIONAL RECONCILIATION AND CONCORD WILL PROMOTE THE TWO SOUTH VIETNAMESE PARTIES' IMPLEMENTATION OF THE SIGNED AGREEMENTS, PEACEFUL EXERCISE OF DEMOCRATIC LIBERTIES AND ACHIEVEMENT OF NATIONAL RECONCILIATION AND CONCORD"

THIS CHANGE IS TO UNDERLINE THE GVN'S VIEW THAT THE COUNCIL IS STRICTLY ON NON-GOVERNMENTAL BODY.

- SECTION (H). IN THE FIRST SENTENCE, BEFORE "VIETNAMESE" ADD "SOUTH"; DELETE "EQUALITY". IN THE SECOND SENTENCE, REPLACE "TO THEIR HOMES" BY "TO THEIR NATIVE PLACES". IN THE THIRD SENTENCE, ADD "TWO" BEFORE "VIETNAMESE PARTIES". AFTER "MILITARY NUMBERS" REPLACE "WITHIN THREE MONTHS OF THE SIGNING" BY "AS SOON AS POSSIBLE AFTER THE SIGNING".

- SECTION (I) IS CHANGED AS FOLLOWS: "THE VIETNAMESE PARTIES WILL RESPECT THE MILITARY PROVISIONS OF THE 1954 GENEVA AGREEMENT ON VIET-NAM WHICH PROHIBIT THE JOINING OF ANY MILITARY ALLIANCE OR MILITARY BLOC, OR THE MAINTENANCE BY FOREIGN POWERS OF MILITARY BASES, TROOPS, MILITARY ADVISERS AND MILITARY PERSONNEL ON THEIR TERRITORIES.

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SECTION 2 OF 2

FM: AMBASSADOR BUNKER CITE SAIGON 0274 FLASH
TO: WHITE HOUSE EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER
SOUTH VIETNAM WILL PURSUE A FOREIGN POLICY OF PEACE
AND INDEPENDENCE. IT WILL CONSIDER RELATIONS WITH ANY COUNTRY,
IRRESPECTIVE OF ITS POLITICAL OR SOCIAL SYSTEM ON THE BASIS OF
MUTUAL RESPECT OF SOVEREIGNTY AND INDEPENDENCE, AND ACCEPT
ECONOMIC AND TECHNICAL AID FROM ANY COUNTRY WITH NO POLITICAL
CONDITIONS ATTACHED".

- THE LAST SENTENCE OF SECTION (I) IS TO FORM A SEPARATE
SECTION - SECTION (J) - WHICH READS AS FOLLOWS: "THE ACCEPTANCE
OF MILITARY AID BY SOUTH VIETNAM IN THE FUTURE SHALL COME UNDER
THE AUTHORITY OF THE GOVERNMENT SET UP AFTER THE NATION-WIDE
ELECTIONS IN SOUTH VIETNAM".

12 - CHAPTER V, ARTICLE 10, PAGE 11 (CHAPTER IV, ARTICLE 10
IN THE GVN'S PROPOSED DRAFT).

- THE FIRST PARAGRAPH WILL END AFTER "BOUNDARY". IN OTHER
WORDS, "AND PENDING..." IS TO BE DELETED.

- THE FOURTH PARAGRAPH IS CHANGED AS FOLLOWS: "PENDING
REUNIFICATION, SOUTH AND NORTH VIETNAM SHALL ABIDE BY THE 1954
GENEVA AGREEMENT, IN PARTICULAR ITS ARTICLE 24 WITH REGARD TO
THE RESPECT OF EACH OTHER'S TERRITORY. THEY SHALL NOT ALLOW FOREIGN
POWERS TO MAINTAIN MILITARY BASES, TROOPS, MILITARY ADVISERS,
AND MILITARY PERSONNEL ON THEIR RESPECTIVE TERRITORIES, AS
STIPULATED IN THE 1954 GENEVA AGREEMENT ON VIETNAM".

THIS CHANGE IS TO MAKE EXPLICIT THE RESPECT OF THE
DEMILITARIZED ZONE BETWEEN SOUTH AND NORTH VIETNAM, AND THE
RESPECT OF EACH OTHER'S TERRITORY.

13 - CHAPTER VI, ARTICLE 11, PAGE 12-13 (CHAPTER V, ARTICLE 11
IN THE GVN'S PROPOSED DRAFT).

- SECTION (A)

- IN THE SECOND SENTENCE, REPLACE "ARTICLE 2" BY
"ARTICLE 1".

- IN THE THIRD SENTENCE, REPLACE "ARTICLE 3(A)" BY
"ARTICLE 2(A)"; AND REPLACE "AND THOSE OF THE OTHER... VIET
NAM" BY "AND ALL OTHER NON-SOUTH VIETNAMESE FORCES"

- IN THE FOURTH SENTENCE, REPLACE "ARTICLE 3(C)" BY
"ARTICLE 2(C)". REPLACE "ALL THE PARTIES" BY "THE TWO PARTIES".

- IN THE FIFTH SENTENCE, REPLACE "ARTICLE 5" BY "ARTICLE 4";
AND REPLACE "AND THOSE... VIETNAM" BY "AND ALL OTHER NON-SOUTH
VIETNAMESE TROOPS".

IN THE SIXTH SENTENCE, REPLACE "ARTICLE 6" BY "ARTICLE 5";
AND REPLACE "AND THOSE... VIETNAM" BY "AND THOSE OF THE OTHER
NON-SOUTH VIETNAMESE PARTIES IN SOUTH VIETNAM".

IN THE SEVENTH SENTENCE, REPLACE "ARTICLE 8" BY "ARTICLES
7(A) A1 No Objection to Declassification in Full 2010/11/16 : LOC-HAK-490-9-18-9

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- SECTION (C), CHANGE ALL THE ARTICLES NUMBERS TO "ARTICLE 1, ARTICLES 2(A) AND 2(C), AND ARTICLES 4, 5 AND 7(A) AND 7(B)".
- 14. CHAPTER VI, ARTICLE 12, PAGES 13 - 14 (CHAPTER V, ARTICLE 12 IN THE GVN'S PROPOSED DRAFT).
- ALL THE ARTICLES NUMBERS ARE CHANGED TO "ARTICLE 1, ARTICLE 2(B), ARTICLE 2(C), ARTICLE 6, ARTICLE 9(H)".
- IN REFERENCE TO ARTICLE 2(C) REPLACE "ALL THE PARTIES" BY "THE TWO PARTIES".
- IN REFERENCE TO ARTICLE 9H, ADD "SOUTH" BEFORE "VIETNAMESE".
- 15. CHAPTER VI, ARTICLE 13, PAGES 14 - 17 (CHAPTER V, ARTICLE 13 IN THE GVN'S PROPOSED DRAFT).
- ALL THE NUMBERS OF THE REFERRED ARTICLES, UP TO ARTICLE 9 ARE CHANGED LIKE THE PRECEDING POINT.
- IN SECTION (B), THIRD PARAGRAPH, REPLACE "AND THOSE OF THE OTHER FOREIGN COUNTRIES ALLIED TO THE UNITED STATES" BY "AND ALL OTHER NON-SOUTH VIETNAMESE FORCES".
- IN THE FOURTH PARAGRAPH, REPLACE "ALL THE PARTIES" BY "THE TWO PARTIES".
- IN THE FIFTH PARAGRAPH, REPLACE "AND THOSE OF THE OTHER FOREIGN... VIETNAM" BY "AND OF ALL OTHER NON-SOUTH VIETNAMESE TROOPS".
- IN THE SIXTH PARAGRAPH, REPLACE "AND THOSE VIETNAM" BY "AND THOSE OF ALL OTHER NON-SOUTH VIETNAMESE PARTIES".
- AFTER THE SEVENTH PARAGRAPH, ADD ANOTHER PARAGRAPH READING AS FOLLOWS: "- ARTICLE 9(I) REGARDING THE RESPECT BY ALL THE VIETNAMESE PARTIES OF THE MILITARY PROVISIONS OF THE 1954 GENEVA AGREEMENT ON VIETNAM".
- IN SECTION (C), IN THE FOURTH PARAGRAPH, REPLACE "ALL THE PARTIES" BY "THE TWO PARTIES". IN THE SIXTH PARAGRAPH, REPLACE "GENERAL" BY "NATION-WIDE".
- THE SEVENTH PARAGRAPH IS CHANGED AS FOLLOWS:
"-ARTICLE 9H REGARDING ANY AGREEMENTS REACHED BETWEEN THE TWO SOUTH VIETNAMESE PARTIES ON THE REDUCTION OF MILITARY NUMBERS OF THE SOUTH VIETNAMESE ARMED FORCES IN SOUTH VIETNAM, THE DEMOBILIZATION OF THE TROOPS BEING REDUCED AND THEIR RETURN TO THEIR NATIVE PLACES".

THE PRECEDING CHANGES ARE TO BE CONSISTENT WITH THE OTHER POINTS.

- IN SECTION (D), AFTER "REPRESENTATIVES OF FOUR" AND "NEUTRAL". IN THIS POINT THE GVN ALSO CHANGES THE COMPOSITION OF THE ICCS, WHICH NOW INCLUDES THE FOLLOWING COUNTRIES: AUSTRIA, CANADA, FINLAND, AND SWITZERLAND.

THE GVN CONCEIVES THAT THE PARTIES PARTICIPATING IN THE ICCS SHOULD BE NEUTRAL PARTIES.

- IN SECTION (G) REPLACE "GENERAL" BY "NATION-WIDE".
16 - CHAPTER VI, ARTICLE 14, PAGE 16 (CHAPTER V, ARTICLE 16 IN THE GVN'S PROPOSED DRAFT).

- IN THE FIRST SENTENCE, AFTER "THIS AGREEMENT" ADD "AND THE CEASE-FIRE AGREEMENTS IN LAOS AND CAMBODIA".
AFTER "THE SIGNED AGREEMENTS" ADD "AS WELL AS THE 1954 GENEVA AGREEMENTS ON VIETNAM AND INDOCHINA AND THE 1962 GENEVA AGREEMENT ON LAOS". AFTER "RIGHT TO SELF-DETERMINATION" ADD "THE RESPECT OF THE NEUTRALITY AND TERRITORIAL INTEGRITY OF LAOS AND CAMBODIA".

- IN THE SECOND SENTENCE, REPLACE "THE UNITED STATES AND THE DEMOCRATIC... THAT THEY PARTICIPATE" BY "THE FOLLOWING PARTIES SHALL BE INVITED TO PARTICIPATE".

THE GVN VIEWS THAT THE INTERNATIONAL CONFERENCE SHOULD BE OPEN TO OTHER ASIAN NATIONS, AND FOR THIS REASON, IT HAS CHANGED THE COMPOSITION OF THE INTERNATIONAL CONFERENCE AS FOLLOWS : "THE UNION OF SOVIET SOCIALIST REPUBLICS, THE PEOPLE'S REPUBLIC OF CHINA, THE UNITED KINGDOM; FRANCE, THE FOUR COUNTRIES OF THE ICCS, THE SECRETARY GENERAL OF THE UNITED NATIONS, TOGETHER WITH THE PARTIES TO THE PARIS CONFERENCE ON VIETNAM, THE KHMER REPUBLIC AND THE KINGDOM OF LAOS".

17. CHAPTER VII, ARTICLE 15, PAGE 19 - 20 (CHAPTER VI, ARTICLE 15 IN THE GVN'S PROPOSED DRAFT).

AT THE END OF THE PARAGRAPH, ADD "AMONG THE PROBLEMS THAT WILL BE SETTLED IS THE IMPLEMENTATION OF THE PRINCIPLE THAT ALL ARMED FORCES OF THE STATES OF INDOCHINA MUST REMAIN WITHIN THEIR NATIONAL FRONTIERS".

18. CHAPTER VIII, ARTICLES 16 AND 17, PAGE 21

THE GVN VIEWS THAT THIS CHAPTER CONCERNS STRICTLY THE U.S. AND DRV ; CONSEQUENTLY, IT SHOULD BE MADE INTO A SEPARATE AGREEMENT BETWEEN THE U.S. AND DRV AND WHICH THE GVN MIGHT ACKNOWLEDGE.

19. CHAPTER IX, ARTICLE 18, PAGE 22 (CHAPTER VIII, ARTICLE 16 IN THE GVN'S PROPOSED DRAFT)

- DELETE "SUBSEQUENTLY A FRENCH TEXT WILL BE PREPARED FOR REFERENCE".

X

X

X

THE GVN HAS PROPOSED THE PRECEDING CHANGES IN THE DRAFT AGREEMENT IN ACCORDANCE WITH THE MAIN PRINCIPLES WHICH THE GVN HAD EXPRESSED IN VARIOUS MEMORANDA TO THE USG, NAMELY:

- THE NORTH VIETNAMESE TROOPS HAVE NO RIGHT TO STAY IN SOUTH VIETNAM. AS AN AGRESSOR AND A NON-SOUTH VIETNAMESE FORCE, IT SHOULD WITHDRAW COMPLETELY OUT OF SVN INTO NVN IN THE SAME CONDITIONS AND WITHIN THE SAME PERIOD OF TIME AS FOR THE US AND ALLIED FORCES.

- THE POLITICAL FUTURE OF SVN WILL BE LEFT TO THE TWO SOUTH VIETNAMESE PARTIES TO RESOLVE BETWEEN THEMSELVES ON THE BASIS OF DIRECT DISCUSSIONS.

ENCLOSED IS THE TEXT OF THE DRAFT AGREEMENT WITH THE GVN'S PROPOSED CHANGES (UNDERLINED).

X

X

X

A. - THE GVN WOULD LIKE ALSO TO DRAW THE ATTENTION OF THE USG ON THE FOLLOWING POINTS IN THE SEPARATE STATEMENTS ATTACHED TO THIS AGREEMENT.

1. - IN THE "UNITED STATE UNILATERAL STATEMENT ON THE WITHDRAWAL OF DRV FORCES FROM CAMBODIA", THE GVN UNDERSTANDS FROM THE SECOND PARAGRAPH THAT THE NORTH VIETNAMESE TROOPS WILL STILL BE IN CAMBODIA UNTIL THE COMPLETION OF THE POLITICAL SETTLEMENT. THUS, THE INTERNAL POLITICAL PROBLEMS OF CAMBODIA WILL BE HARD TO SOLVE, CONSIDERING THAT THE NORTH VIETNAMESE AGRESSORS ARE STILL IN THE COUNTRY.

2. - IN THE "DRV UNILATERAL STATEMENT ON PRISONERS" THE GVN WISHES TO MAKE CLEAR THAT THE WORD "VIETNAM" SHOULD BE WRITTEN AS "NORTH VIETNAM AND SOUTH VIETNAM". THIS IS TO BE CONSISTENT WITH THE NOTION THAT NORTH AND SOUTH ARE TWO DIFFERENT AND INDEPENDENT STATES.

B. - IN ADDITION, THE GVN STILL HAS MANY SERIOUS RESERVATIONS ON THE DRAFTS OF THE PROTOCOL ON THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION IN VIET-NAM AND THE PROTOCOL ON THE FOUR PARTY JOINT MILITARY COMMISSION TRANSMITTED BY THE USG.

THE GVN WILL COMMUNICATE TO THE USG ITS VIEWS ON THIS IMPORTANT MATTER IN THE VERY NEAR FUTURE.

C. - FINALLY, CONCURRENTLY WITH THIS MEMORANDUM, PRESIDENT NGUYEN VAN THIEU WILL SEND A LETTER TO PRESIDENT NIXON IN WHICH HE WILL OUTLINE THE GVN'S VIEWS ON THE MAJOR POINTS OF THIS AGREEMENT. PRESIDENT THIEU, IN THIS LETTER, WILL ALSO REQUEST PRESIDENT NIXON TO RECEIVE HIS SPECIAL EMISSARY WHO WILL BE EITHER FOREIGN MINISTER TRAN VAN LAM OR PRESIDENT THIEU'S SPECIAL ASSISTANT FOR FOREIGN AFFAIRS DR. NGUYEN PHU DUC, AT THE CONVENIENCE OF PRESIDENT NIXON, IN ORDER TO EXPLAIN MORE THOROUGHLY THE GVN'S VIEWPOINTS.

END TEXT

6. WARM REGARDS.

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